REMARKS

Reconsideration of this patent application is respectfully requested, in view of the foregoing amendments, and the following remarks.

The amendments to this patent application are as follows.

Various claims were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2 and 3, the Patent Examiner objected because it is not clear if the "peripheral segments" and the foldable creasable and stiff segments are one and the same. In response to these objections to claims 2 and 3, the 16 peripheral segments (6,7) in claim 2 are formed by foldable and/or creasable segments (7) and stiff segments (6) that are arranged alternately in the peripheral direction (claim 1).

Regarding claim 4, the Patent Examiner objected because there is no antecedent support for each of "the segment center" and "the inside." In response to these objections, in claim 4, "the segment center" has been amended to read "a segment center" and "the inside" has been amended to read "an inside."

Regarding claim 5, the Patent Examiner objected because there is no antecedent support for "the segment center." Thus, "the segment center" has been changed to "a segment center." Hence, the appropriate amendment has also been made to claim 5.

Regarding claim 6, the Patent Examiner objected because there is no antecedent support for each of "the segment center" and "the inside." In response to these objections, the first phrase was changed to "a segment center;" and the second phrase was changed to "an inside."

Regarding claim 8, the Patent Examiner objected because there is no antecedent support for "the segment center." In response to this objection, this phrase was changed to "a segment center."

Regarding claim 9, the Patent Examiner objected because it is not clear as to how a "periphery" has a dimension i.e. width. Moreover, the claim as written is confusing since both segments make up the ring and the claim requires the width to be about 0.7mm but the claim also requires the PMMA segment to be 0.5 mm.

In response to these objections, claim 9 refers to lines 1-6 of page 11 of the present Specification. Therefore, claim 9 has been amended to read "..., wherein an axial width of the outer periphery of the capsular equatorial ring (5) is approximately 0.7 mm."

Regarding claim 10, the Patent Examiner objected because it is not clear what structure delineates the "end faces" of the ring.

In response to these objections, the "end faces" in claim 10 are those areas which are seen in axial side views (like fig. 2).

For all of these reasons it is firmly believed that all of the claims are now in complete compliance with all the requirements of 35 U.S.C. 112. Withdrawal of this ground of rejection is respectfully requested.

The Applicants comment upon the prior art rejections of the claims as follows.

The present invention is directed to a capsular equatorial ring (5) which, after the removal of a natural lens, can be implanted in the opened capsular bag (3) of an eye and, when

implanted, rests with its outer periphery against the inside of the capsular bag (3), essentially on the equator thereof, and radially stabilizes the capsular bag (3),

wherein the capsular equatorial ring (5) is closed and has a number of foldable and/or creasable segments (7) and stiff segments (6) that are arranged alternately in the peripheral direction.

Regarding the claim rejections under 35 U.S.C. Section 102, Paragraph 23 of *Paul et al (U.S. Publication No. 2004/0111154)* refers to an intraocular lens having an optic assembly (central region forming a stiff lens) and a movement assembly (peripheral region). The optic assembly and the movement assembly are made of different materials. This means on the one hand that parts of different materials are connected together to form the complete intraocular lens assembly. On the other hand, there is no reference or hint to any ring having alternately stiff and foldable peripheral segments. Hence, the present invention and claim 1 clearly have novelty and patentability over *Paul et al.*

Claim 3 cannot be anticipated by *Paul et al* because *Paul et al* does not show any peripherally segmented ring.

The same arguments for novelty and patentability apply to claims 4-6.

The ring of the invention comprises stiff and foldable/creasable segments. Only the foldable/creasable segments (7) have the water content cited in claim 7, while *Paul et al* shows a non segmented ring having a water content, i.e. the complete ring (made of a single material) has a water content.

The comments of the Patent Examiner with respect to claim 11 are respectfully traversed. Elements made of HEMA/MMA copolymers might be defined as medicaments, if these elements are impregnated with a pharmacological substance having the ability to diffuse into tissues adjacent to the respective elements. Without such impregnation the said elements have no pharmacological properties and cannot be a medicament.

Accordingly, the Patent Examiner has not cited any prior art references to support the argument of a pharmacological effect of HEMA/MMA copolymers.

Regarding the claim rejections under 35 U.S.C. Section 103, the Patent Examiner combines *Paul et al* and *Ghazizadeh et al* and contends that these references render obvious the invention.

Both *Paul et al* and *Ghazizadeh et al* refer to assemblies having an optic part (stiff lens) and an accommodating device adapted to move the optic part in the axial direction of the capsular bag when the respective eye is focusing on objects having different distances from the eye. This accommodating movement of the optic part is caused by the cilear muscles surrounding the equator of the capsular bag.

The references show different approaches intended to have an optimal control of the accommodating movement and the accommodating device.

The present invention solves the problem of providing an improved capsular equatorial ring by which a reliable spreading of the capsular bag is guaranteed (see Specification, page 3, lines 30-36). This problem is not recognized, nor solved, by *Paul et al* or *Ghazizadeh et al*.

Therefore, a person skilled in the art would not combine these references, except through the use of hindsight reconstruction of the prior art, for designing a separate capsular ring. The deficiencies in the teachings of *Paul* and *Ghazizadeh* are not overcome by the disclosure of *McNicholas*.

For all these reasons, no prior art reference provides an identical disclosure of the claimed invention. Hence, the present invention is not anticipated under 35 U.S.C. 102, but is patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner.

Withdrawal of these grounds of rejection is respectfully requested.

A prompt notification of allowbility is respectfully requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 18, 2009.

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